REMARKS

This is a response to the final Office Action mailed on January 21, 2009 and to the Advisory Action mailed on April 27, 2009.

Claims 1, 5, 8, 13, 21, 28, 33, 41, 44, 45, 47, 52, 55, 81 are amended. Claims 84-102 are new. Claim 2, 3, 6, 9, 10, 12, 14-20, 23-27, 29, 32, 34-40, 42, 46, 48-50, 59, 63, 66, 71, 72, 74-76 are cancelled. No new matter is presented. Example support for the claims is as follows: claims 1, 33, 41, 98 and 102 (Fig. 9, p.29, line 17-p.30, line 2), claim 5 (Fig. 7, step 370, p.28, lines 12-25), claim 8 (amended for consistency with claim 1 and to clarify), claim 13 (p.26, lines 20-27), claim 21 (p.1, lines 26-27), claim 28 (Fig. 3), claims 44, 45 and 87 (Fig. 8, p.28, line 26-p.29, line 16), claims 47 and 89-97 (Fig. 4, p.24, lines 10-14), claim 52 (p.25, lines 13-27), claim 55 (amended for consistency with claim 33), claims 84-86 (Fig. 10, p.31, line 4–p.32, line 1), claims 88 and 99 (p.28, lines 23-24), claim 100 (claim 47), and claim 101 (claim 28).

Rejection under 35 U.S.C. §112, second paragraph

Claims 20, 27, 36 and 47 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 47 was amended in Applicant's amendment dated April 6, 2009 to refer to "transcoded media content" instead of "transformed media content." Claims 20, 27 and 36 are cancelled. The amended claim was entered according to Form PTOL-303 of the Advisory Action. Withdrawal of the rejection is therefore respectfully requested.

Rejection under Tuli in view of Davis et al.

Claims 1, 5, 6, 9, 13, 21-24, 27, 28, 30-32, 37-40, 45-50, 53, 54, 67, 69, 70, 76 and 81 were rejected under 35 U.S.C. §103(a) a being unpatentable over Tuli (US 7,068,381) in view of Davis et al. (US 6,643,696). Applicants believe that claim 83 is included in this rejection as well.

Claim 1

Claim 1 is patentable at least due to the compiling of a mark-up language description of requested content, where the mark-up language description includes a reference to a view instance element, and the compiling the mark-up language description includes: accessing source code for the view instance element, where the source code includes a tag name and attributes, creating a script

instruction to call an instantiation view function in a function call, adding the tag name and attributes to the function call as parameters, where the instantiation view function determines, based on the parameters, what kind of objects the user device creates at a runtime of the executable code at the user device, and compiling the function call to byte code. Thus, the objects which are created at the runtime of the user device are specified by the executable code. In contrast, Tuli's use of image data (raster, bitmap or JPEG data) does not provide any such functionality. Claim 1 is therefore clearly patentable. Claims 33, 41, 98 and 102 are likewise patentable.

The dependent claims of claim 1 are similarly patentable.

For example, claim 13 sets forth that a first application runs on a user device, and provides a request to a server for a second application. The second application is accessed, compiled and transmitted to the user device. Regarding Tuli at col. 2, lines 5-13, this refers to a web server receiving a web page, electronic message, HTML or JAVA information. However, such information is not an application. Moreover, Davis at col. 5, lines 54-58 refers to a second executable program that is downloaded to, and runs on, a client. However, it does not call another application as claimed. Claim 13 is therefore clearly patentable.

Claim 84 sets forth that the executable code at the user device creates objects which are displayed on the user interface, where the objects are created based on an instantiation view function, the tag name and the attributes. Thus, certain objects are created at a user device based on execution of code at the user device. In contrast, Tuli only interprets graphics image data but does not create any objects as claimed. The other references similarly fail to disclose or suggest the claimed features. Claims 85 and 86 set forth that the executable code calls a predefined instantiation function or a user-defined instantiation function, respectively. These claims are similarly patentable.

Claims 87 and 98 set forth specific steps for providing media content to a user device, along with the mark-up language description which provides a reference to the media content. These steps include creating an object representation of the media content, removing the media content from the object representation and inserting a reference to the media content into the object representation in place of the media content, compiling the object representation to byte code, creating a tag header, and adding the media content, but not the compiled object representation, to the tag header. This approach allows the media content to be referenced when the compiled object representation is

executed at the user device. Tuli and the other cited references fail to disclose or suggest these features.

Claims 89-92 refer to transcoding between specific media formats which is not disclosed or suggested by Tuli and the other cited references. Regarding Tuli's dividing an image into sections after a bitmap or raster is created, this does not involve transcoding in the sense which would be understood by those skilled in the art, nor does it involve transcoding between specific formats as claimed.

Claims 93-97 refer to transmitting media content in connection with the procedure of claim 87 which includes audio, video, a movie, animation or a .SWF file. Tuli and the other cited references fail to disclose or suggest the claimed features.

Withdrawal of the rejection is therefore respectfully requested.

Claim 81

Par. 41 of the Office Action states that Tuli at col. 4, lines 18-22 refers to using JPEG to compress a color image which is provided to the remote user device. However, there is no mention that an object which identifies the name and format is provided via a user interface.

Withdrawal of the rejection to claim 81 is therefore respectfully requested.

Rejection under Tuli and Davis et al. in view of Rubin et al.

Claims 4, 7, 36, 52, 55-57, 60, 62, 64, 65, 73, 77, 78, 80 and 82 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuli and Davis in view of Rubin et al. (US 6,701,522).

Claim 4

Par. 44 of the Office Action asserts that one of ordinary skill would have been motivated to combine Rubin with Tuli because plug-ins are auxiliary programs added to web browsers that provide them with new functionality (Rubin, col. 7, lines 21-23). However, Tuli specifically seeks to avoid the need for a mini-browser which requires a powerful microprocessor (col. 1, line 66 to col. 2, line 4) and does this by moving the browser functionality to the server as a virtual browser (col. 2, lines 9-24). Accordingly, a person of ordinary skill in the art would see that the user device of Tuli does not have a browser functionality which can support a plug-in program. Claim 4 is therefore clearly patentable.

Claim 52

Par. 47 cites col. 2, lines 5-13 of Tuli as providing an indication in a request from a client which identifies a type of a rendering entity of the client from a group of rendering entities. However, this passage only indicates that the web server which receives the request can obtain HTML or Java web pages and convert it to bitmap or raster data for use by the client. There is no mention of any concern with the client identifying a type of a rendering entity in a request to a server. Further, there is no disclosure or suggestion that the server has separate object code generators and compilers for different types of rendering entities, that a request received at a server identifies a type of a rendering entity from among the different types of rendering entities, and that executable code is created specific for the type of rendering entity using corresponding ones of the object code generators and compilers, in response to the indication. Thus, Tuli does not anticipate claim 52. Further, there is no disclosure or suggestion by Tuli or the other cited references to provide the claimed features. Claim 52 is therefore clearly patentable.

Claims 60 and 62

Par. 51 cites Tuli at col. 4, lines 16-22 as providing an animation as claimed. However the cited passage only refers to the use of JPEG color images. JPEG is a standard for photographs, not animations. The Advisory Action asserts that it would be obvious to modify Tuli to provide animation since the use of animation in web browsing is known per se. However, Tuli teaches away from the proposed modification because he provides a low cost device which can only display a static image, so the proposed modification is inoperative. "If when combined, the references 'would produce a seemingly inoperative device,' then they teach away from their combination." Tec Air Inc. v. Denso Manufacturing Michigan Inc., 192 F.3d 1353, 52 USPQ2d 1294 (CAFC 1999). One of ordinary skill in the art would intuitively see this, and would therefore be led away from the proposed modification. Claim 60 is therefore clearly patentable. Claim 62 is similarly patentable since the proposed modification of Tuli's device to use a .SWF file is inoperative. Tuli is directed to a limited function user device which moves the browser functionality to the server as a virtual browser and which is limited to decompressing and displaying bitmap or raster images, scrolling through images and providing virtual clicks (col. 4, lines 25-33). A person of ordinary skill would therefore not be led to make the proposed combination, which is contrary to Tuli's teaching of simplicity and minimal functionality.

Rejection under Tuli and Davis et al. in view of Harrington

Claims 8, 10 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuli and Davis in view of Harrington (US 2002/0156909).

Claims 8 and 51

Similar to the comments above in connection with claims 60 and 62, it would not be obvious to modify Tuli as asserted because he teaches away from the use of a more complex user device which can accommodate audio, video or a movie. Claims 8 and 51 are therefore clearly patentable.

Claim 10

Claim 10 is cancelled.

Rejection under Tuli and Harrington in view of Rubin et al.

Claims 28, 30-33, 41-44, 58 and 61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuli in view of Harrington and further in view of Rubin.

These claims are patentable at least for the above-mentioned reasons.

Rejection under Tuli and Davis et al. in view of Russell

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tuli and Davis in view of Russell (US 2002/0069420). This claim is patentable at least by virtue of its dependence on claim 1 which is patentable at least for the above-mentioned reasons.

Rejection under Tuli in view of Wagner

Claims 14-17, 19, 20 and 74-75 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuli in view of Wagner (US 6,085,224). These claims are patentable at least for the above-mentioned reasons.

Rejection under Tuli and Rubin et al. in view of Davis et al.

Claims 68 and 79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tuli and Rubin in view of Davis. These claims are patentable at least for the above-mentioned reasons.

Conclusion

In view of the above, each of the pending claims is believed to be in condition for immediate allowance. The Examiner is therefore respectfully requested to pass this application on to an early issue.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: /Ralph F. Hoppin/
Ralph F. Hoppin
Reg. No. 38,494

VIERRA MAGEN MARCUS & DENIRO LLP
575 Market Street, Suite 2500
San Francisco, California 94105-4206
Telephone: (415) 369-9660, x214
Facsimile: (415) 369-9665